



**THE ATTORNEY GENERAL
OF TEXAS**

CRAWFORD C. MARTIN
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

May 23, 1972

Hon. Hugh C. Yantis, Jr.
Executive Director
Texas Water Quality Board
Lowich Building
Austin, Texas 78701

Opinion No. M- 1128

Re: Collin-Denton County Water
and Sanitation District
powers per Art. 8280-400,
V.C.S., to collect and dis-
pose of garbage within the
District.

Dear Mr. Yantis:

You have requested our opinion as to the powers of Collin-Denton County Water and Sanitation District to collect and dispose of garbage pursuant to contracts with its member cities composing this district, (as such cities existed on March 1, 1969), to-wit: Celina, Frisco and Prosper, all in Collin County, Texas, and the cities of Aubrey, Little Elm, Pilot Point, and Sanger, all in Denton County, Texas.

The statute by which the Legislature created this multi-county district is Article 8280-400, Vernon's Texas Civil Statutes (Acts 61st Leg., R.S., 1969, Chap. 142, page 381, effective May 6, 1969). Subsections (c) and (d) of Section 8 thereof read as follows:

"(c) The district may collect and dispose of garbage pursuant to contracts with cities.

"(d) The rights, powers, privileges, authority and functions herein granted to the district shall be subject to the continuing right of supervision of the State, to be exercised by and through the Texas Water Rights Commission."

The above Subsection (d) is substantially the same language contained in Section 6.074, Texas Water Code, the general law provision as to supervision on the subject. All laws apply to a water district unless the act creating the district contains provisions to the contrary. Hidalgo W.C.I.D.

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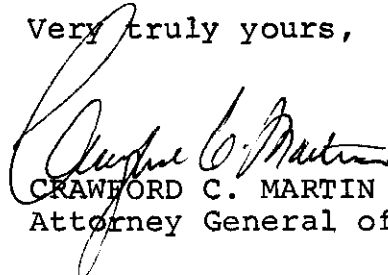
No. 1 v. Hidalgo County, 134 S.W.2d 464 (Tex.Civ.App. 1939, error ref.). Thus, the Collin-Denton District is subject to Article 4477-7 (Solid Waste Act), Article 4477-5 (Clean Air Act), and Chapter 21 of the Texas Water Code (Texas Water Quality Act).

We know of no provisions of the Texas or United States Constitutions which would prohibit the Texas Legislature from validly enacting Section 8(c), of Article 8280-400. In the absence of any such limitation to be found in the Constitutions of Texas or of the United States, the Texas Legislature could and did validly enact this law authorizing the collection and disposal of garbage. Shepherd v. San Jacinto Junior College District, 363 S.W.2d 742 (Tex.Sup. 1963); Watts v. Mann, 187 S.W.2d 917, (Tex.Civ.App., 1945, error ref.); 11 Am.Jur.2d 190, Const. Law, Sec. 17; State v. Brownson, 94 Tex. 436, 61 S.W. 114 (1901).

S U M M A R Y

The power to collect and dispose of garbage is given to Collin-Denton County Water and Sanitation District by Article 8280-400, Vernon's Civil Statutes, and the statute is constitutional.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by Roger Tyler
Assistant Attorney General

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APPROVED:
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